

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARIE M. NOEL,

Plaintiff,

vs.

**DEACONESS HOSPITAL A/K/A
FOREST PARK HOSPITAL, ET. AL.,**

Defendants.

)
)
)
)
)
)
)
)
)
)
)

Case No. 4:05CV1737SNL

ORDER

This matter is before the Court *sua sponte*. On December 9, 2005 this Court entered an order directing the plaintiff to show cause, in writing, as to why remaining defendants Dr. Maurice Gabriel and Dr. S. Bo Plurad, Jr. should not be dismissed for failure to prosecute. Court Order #40. Plaintiff has now responded. Plaintiff's Response to Show Cause Order (#42), filed December 29, 2005.

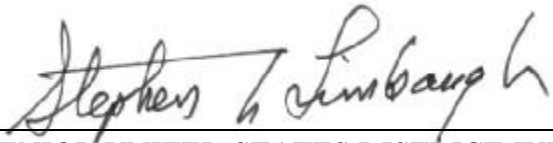
In her response, plaintiff avers that she had one (1) unsuccessful attempt at serving defendant Plurad while this case was pending in state court; evidently, foregoing any further attempts to serve him. She further avers that she has been informed that defendant Gabriel is deceased.

In light of the circumstances, the Court is going to dismissed these last two (2) defendants without prejudice.

Accordingly,

IT IS HEREBY ORDERED that defendants Dr. Maurice Gabriel and Dr. S. Bo Plurad, Jr. be and are **DISMISSED WITHOUT PREJUDICE**. This case is now closed with no further action to be taken.

Dated this 5th day of January, 2006.



SENIOR UNITED STATES DISTRICT JUDGE